

Application No. 10/599,713
Request for Reconsideration Dated 10/20/2010
Reply to Office Action of 7/21/2010

REMARKS/ARGUMENTS

In response to the Office Action dated July 21, 2010, favorable reconsideration is respectfully requested in view of the following remarks. Claims 1-36 are pending, with claims 2, 6, 12, 15, 16, 21, 25-28, 30, 34 and 36 being withdrawn from consideration.

Election/Restriction

Applicants previously elected Group II, claims 1, 3, 4, 5, 7-10, 11, 13-24 and 28-35, which are drawn to a method for producing a biological material for use as feed comprising aggregating stem cells from differentiated exocrine glandular tissue to form organoid bodies, wherein said aggregation takes place in a culture medium with at least one additive to influence differentiation.

In response to the species election requirement, Applicants previously elected “muscle cells” in Group A, “dead cells” in Group B and “non-human mammal cells” in Group C. Applicants identified claims 1-22 and 25-36 as reading on the elected species of Group A, and claims 1-36 as reading on the elected species of Groups B and C.

Applicants respectfully submit that the Examiner has withdrawn claims that are not limited to the non-elected species. In particular, claims 15-16, 21, 28, 30 and 34 require cell growth, but do not exclude the possibility that some cells are dead. Accordingly, Applicants respectfully request that claims 15-16, 21, 28, 30 and 34 be rejoined and examined along with the other elected claims.

Rejections under 35 U.S.C. §§ 102 and 103

Each of the anticipation, obviousness and double-patenting rejections relies at least in part on a publication that is not properly citable as prior art against the pending claims.

US 20060121006 (Chancellor et al.) was published June 8, 2006 on an application filed September 12, 2005, which claimed the benefit of U.S. Provisional Patent App. No. 60/608,676, filed September 10, 2004.

Kruse et al., (Appl. Phys. A, 2004, 79: 1617-1624) was published online May 26, 2004. As noted in the December 5, 2006 IDS, the citation of this publication in the IDS did not constitute a representation that the publication is prior art with respect to this application.

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The present application was filed October 25, 2006 as a 371 of PCT/EP2005/02313, filed March 4, 2005, and claims priority from DE 10 2004 017 484.9, filed April 8, 2004. A certified copy of the priority document is in the PTO's electronic file for this matter. In order to perfect their priority claim, antedate Chancellor et al. and Kruse et al., and obviate all outstanding rejections, Applicants submit herewith a translation of the priority document and a statement that the translation is accurate. See MPEP 706.02(b) and 37 CFR 1.55.

Accordingly, reconsideration and withdrawal of all outstanding rejections are respectfully requested.

For at least the reasons set forth above, it is respectfully submitted that the above-identified application is in condition for allowance. Favorable reconsideration and prompt allowance of the claims are respectfully requested.

Should the Examiner believe that anything further is desirable in order to place the application in even better condition for allowance, the Examiner is invited to contact Applicants' undersigned attorney at the telephone number listed below.

Respectfully submitted,

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